

EXHIBIT “A”

**IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA**

LIZETTE BELLARD,)	
)	
Plaintiff,)	JURY TRIAL DEMANDED
)	
v.)	
)	
FAMILY DOLLAR STORES)	CIVIL ACTION FILE
OF GEORGIA, LLC, AND)	
JOHN/JANE DOE)	
)	NO.: <u>21A05843</u>
Defendants.)	
)	

COMPLAINT FOR DAMAGES

COMES NOW Plaintiff Lizette Bellard, by and through undersigned counsel, and files this Complaint for Damages against Defendants Family Dollar Stores of Georgia, Inc. (hereinafter “Family Dollar”) and John/Jane Doe and respectfully shows the Court as follows:

PARTIES, JURISDICTION and VENUE

1.

Plaintiff Lizette Bellard is a resident of DeKalb County, Georgia and is subject to the jurisdiction and venue of this Court.

2.

Defendant Family Dollar is a corporation authorized to do business in the State of Georgia and is subject to the jurisdiction of this Court. Defendant’s registered agent, Corporate Service Company, is located at 2 Sun Court, Suite 400, Peachtree Corners, Georgia 30092, and may be served with a copy of the Summons and Complaint at this address.

3.

Venue as to Defendant Family Dollar is proper in DeKalb County, Georgia as the

incident at issue occurred in DeKalb County at Defendant Family Dollar's store #3290 located at 5404 Covington Highway, Suite B, Decatur, Georgia, 30035.

4.

Defendant John/Jane Doe is an unidentified employee who, at all times relevant to this action, were acting within the scope of employment with or under the agency of Defendant Family Dollar on Family Dollar's premises where Plaintiff sustained injuries which form the basis of this action and whose acts and/or omissions contributed to Plaintiff's damages.

Defendant John/Jane Doe is subject to the jurisdiction and venue of this Court. Service will be made upon said person as his/her identity is made known through discovery.

FACTS

5.

On September 21, 2019, Defendant Family Dollar owned and/or was in control of the premises located at 5404 Covington Highway, Suite B, Decatur, Georgia, 30035 (hereinafter "#3290 store") and as such possessed said property with the intent to occupy and control it and held it open to the public for business purposes.

6.

On the aforesaid date, Plaintiff was a business invitee at the Family Dollar #3290 store and assumed the legal status of an invitee as the term is defined under Georgia Law upon entering said premises.¹

¹ Due to the COVID-19 pandemic, the Georgia Supreme Court issued a series of Orders declaring a state of "judicial emergency" and suspended, tolled, extended, and otherwise granted relief from any deadlines or other time schedules applicable to all civil and criminal cases, including but not limited to statute of limitations. *See* The Georgia Supreme Court's March 14, 2020 Order. (<https://www.gasupreme.us/wp-content/uploads/2020/03/CJ-Melton-amended-Statewide-Jud-Emergency-order.pdf>) Per the Court's July 10, 2020 Order, "the 122 days between March 14 and July 14, 2020, or any portion of that period in which a statute of limitation would have run, shall be excluded from the calculation of that statute of limitation." *See* July 10, 2020 Fourth Order, pg. 5, par. (10). (<https://www.gasupreme.us/wp-content/uploads/2020/07/4th-SJEO-FINAL.pdf>) Accordingly, the applicable statute of limitations for Plaintiff's claims expires on January 21, 2022.

7.

Upon arriving at Family Dollar #3290 store, Plaintiff began browsing through the store when she slid on clear liquid that had accumulated on the floor at one of the isles.

8.

Plaintiff had no actual or constructive knowledge of the dangerous condition on Family Dollar's premises.

9.

At all relevant times, Defendant John/Jane Doe, an unidentified employee of Defendant Family Dollar, was acting within the scope of employment with or under the agency of Family Dollar on its premises.

10.

Defendant John/Jane Doe's failure to adequately inspect and maintain Family Dollar's premises on the aforesaid date was a direct and proximate cause of Plaintiff's injuries.

11.

Before Plaintiff's fall on September 21, 2019, Defendants knew or should have known of the dangerous condition presented to Plaintiff and others on the premises.

12.

As a result of Defendants' negligence, Plaintiff has sustained serious bodily and emotional injuries.

13.

As a result of Defendants' negligence, Plaintiff has incurred medical expenses in excess of \$25,000, and will continue to incur medical expenses in the future.

14.

Defendant Family Dollar has forced Plaintiff to file this lawsuit by denying Plaintiff is entitled to recover all of her damages and losses from the subject incident.

COUNT I: NEGLIGENCE

15.

Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 14 above as if they were fully restated verbatim herein.

16.

Defendants had a duty to provide safe premises for individuals like Plaintiff on the date in question pursuant to O.C.G.A. § 51-3-1.

17.

Defendants were negligent and breached their duties owed to Plaintiff.

18.

Defendants' acts of negligence include, but are not limited to, the following:

- a. Defendants unreasonably created a dangerous condition;
- b. Defendants failed to properly inspect the area of the floor where Plaintiff's fall occurred;
- c. Defendants failed to react timely to a dangerous condition;
- d. Defendants failed to warn Plaintiff of a dangerous condition;
- e. Defendants failed to use ordinary and reasonable care to prevent unsafe conditions;
- f. Defendants failed to take appropriate corrective or remedial action to prevent the accumulation of liquid on the floor of its premises; and/or

g. Was otherwise negligent at the time and place complained of.

19.

At all relevant times, Plaintiff exercised reasonable care for her own safety.

20.

As a direct and proximate result of the negligent acts by Defendants, Plaintiff suffered injuries and damages, including medical and other necessary expenses, mental and physical pain and suffering, and personal inconvenience. These bodily injuries are permanent, and in the future, Plaintiff will suffer medical and other necessary expenses, mental and physical pain and suffering, and personal inconvenience.

21.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants in an amount to be proven at trial.

COUNT II: VICARIOUS LIABILITY

22.

Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 21 above as if they were fully restated verbatim herein.

23.

Defendant Family Dollar is liable for the negligent acts and omissions of its employees and/or agents, under the theory of *Respondeat Superior*.

24.

Defendant John/Jane Doe was acting within the scope of his/her employment and for the benefit of Defendant Family Dollar when his/her negligence caused Plaintiff's injuries.

25.

Defendant Family Dollar is liable for the negligent acts of Defendant John/Jane Doe.

26.

As a direct and proximate result of the negligent acts by Defendants, Plaintiff suffered injuries and damages, including medical and other necessary expenses, mental and physical pain and suffering, and personal inconvenience. These bodily injuries are permanent, and in the future, Plaintiff will suffer medical and other necessary expenses, mental and physical pain and suffering, and personal inconvenience.

27.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants in an amount to be proven at trial.

COUNT III: NEGLIGENT TRAINING / SUPERVISION

28.

Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 27 above as if they were fully restated verbatim herein.

29.

Family Dollar had, and/or through the exercise of reasonable care should have had, prior knowledge that John/Jane Doe would negligently create a dangerous or hazardous condition.

30.

Family Dollar failed to properly train and/or supervise John/Jane Doe.

31.

As a direct and proximate result of the negligent acts by Defendants, Plaintiff suffered injuries and damages, including medical and other necessary expenses, mental and physical pain

and suffering, and personal inconvenience. These bodily injuries are permanent, and in the future, Plaintiff will suffer medical and other necessary expenses, mental and physical pain and suffering, and personal inconvenience.

32.

By reason of the foregoing, Plaintiff is entitled to recover compensatory damages from Defendants in an amount to be proven at trial.

COUNT IV: ATTORNEY'S FEES AND LITIGATION EXPENSES

33.

Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 32 above as if they were fully restated verbatim herein.

34.

Family Dollar's actions were in bad faith, stubbornly litigious and/or caused Plaintiff unnecessary trouble and expense.

35.

Family Dollar has forced Plaintiff to file this lawsuit by denying Plaintiff is entitled to recover all or part of her damages and losses from the subject incident.

36.

Plaintiff is, therefore, entitled to recover her reasonable expenses of litigation, including but not limited to, reasonable attorney's fees, pursuant to O.C.G.A. § 13-6-11.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for the following:

- a. That Summons and Process issue, as provided for by law, requiring Defendants to appear and answer Plaintiff's Complaint;

- b. That service be had upon Defendants as provided by law;
- c. That the Court award and enter a judgment in favor of Plaintiff and against Defendants for compensatory damages greater than \$25,000 in an amount to be proven at trial;
- d. That Plaintiff recover for mental and physical pain and suffering and emotional distress in an amount to be determined by the enlightened conscience of the jury;
- e. That Plaintiff have a trial by a jury of twelve (12) as to all issues;
- f. That Plaintiff have all costs and expenses of litigation, including attorney's fees; and
- g. That Plaintiff have such other and further relief as the Court may deem just and proper.

This 27th day of December, 2021.

INFINITY TRIAL GROUP, P.C.



Min J. Koo
Georgia Bar No. 140984
Attorney for Plaintiff

One Atlantic Center
1201 W. Peachtree St., Suite 2300
Atlanta, Georgia 30309
T: (404) 795-5011 / F: (404) 393-9267
E: Min@InfinityTrial.com

STATE COURT OF
DEKALB COUNTY, GA.
12/27/2021 5:43 PM
E-FILED
BY: Michelle Cheek

No. 21A05843**STATE COURT OF DEKALB COUNTY
GEORGIA, DEKALB COUNTY****Date Summons Issued and E-Filed**12/28/2021**SUMMONS**/s/ Monique Roberts

Deputy Clerk

Deposit Paid \$ _____

Lizette Bellardc/o Min J. Koo, Esq.

Plaintiff's name and address

vs.**[X] JURY**Family Dollar Stores of Georgia, LLC2 Sun Ct., Ste. 400, Peachtree Corners, GA 30092

Defendant's name and address

TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of State Court, Suite 230, 2nd Floor, Administrative Tower, DeKalb County Courthouse, 556 N. McDonough Street, Decatur, Georgia 30030 and serve upon the plaintiff's attorney, to wit:

Name

Min J. Koo, Esq.

Address

1201 W. Peachtree St., Suite 2300, Atlanta, GA 30309

Phone Number

404.795.5011Georgia Bar No. 140984

an **ANSWER** to the complaint which is herewith served upon you, within thirty (30) days after service upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. The answer or other responsive pleading can be filed via electronic filing through eFileGA via www.eFileGA.com or, if desired, at the e-filing public access terminal in the Clerk's Office at 556 N. McDonough Street, Decatur, Georgia 30030

Defendant's Attorney

Third Party Attorney

Address

Address

Phone No.

Georgia Bar No.

Phone No. Georgia Bar No.

TYPE OF SUIT

Personal Injury Products Liability
 Contract Medical Malpractice
 Legal Malpractice Product Liability
 Other

Principal \$ TBD (Above \$25,000+)

Interest \$ _____

Atty Fees \$ TBD**Access to the e-filing site and the rules is available at www.dekalbstatecourt.net****To indicate consent to e-service check the box below.** **(Plaintiff consents to e-service pursuant to OCGA 9-11-5 (f). The email address for service appears in the complaint.)**

E-file summons1-2016

STATE COURT OF

DEKALB COUNTY, GA.

12/28/2021 5:25 PM

E-FILED

BY: Monique Roberts

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Min J. Koo, Esq.

Address

1201 W. Peachtree St., Suite 2300, Atlanta, GA 30309

Phone Number

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Defendant's Attorney

Third Party Attorney

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E-file summons1-2016

STATE COURT OF
DEKALB COUNTY, GA.

12/28/2021 5:25 PM

E-FILED

BY: Monique Roberts

S₁ SERVICE

Civ. No. 5843

22000267

Superior Court Magistrate Court
 State Court Probate Court
 Juvenile Court

Georgia, DeKalb COUNTY

Lizette Bellard

Date Filed 12/27/21

Attorney's Address

Min J. Koo, Esq.

Plaintiff

1201 W. Peachtree St. Suite 2300

VS.

Atlanta, GA 30309

Family Dollar Stores of Georgia, LLC

Name and Address of Party to Served

Family Dollar Stores of Georgia, LLC

Defendant

(c/o Corporation Service) 2 Sun Ct., Ste. 400

Peachtree Corners, GA 30092

Garnishee

SHERIFF'S ENTRY OF SERVICE**PERSONAL**

I have this day served the defendant _____ personally with a copy
 of the within action and summons.

NOTORIOUS

I have this day served the defendant _____ by leaving a copy of the action and summons at his most notorious place abode in this County.

Delivered same into hands of _____ described as follows:
 age, about _____ years; weight _____ pounds; height _____ feet and _____ inches, domiciled at the residence of defendant.

CORPORATION

Served the defendant _____ *Family Dollar Stores of Georgia, LLC*
 by leaving a copy of the within action and summons with *Alisha Smith*
 In charge of the office and place of doing business of said Corporation in this County.

TACK & MAIL

I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

Diligent search made and defendant _____

 not to be found in the jurisdiction of this Court.This 6 day of JANUARY, 2022*MEDIAL 501763*

DEPUTY

CLERK'S COPY